

**ORDINANCE NO. 2017-869**

**ORDINANCE REQUIRING WASTE COLLECTION SERVICES  
WITHIN THE CITY OF LINCOLN, LOGAN COUNTY, ILLINOIS**

WHEREAS, the City of Lincoln is a municipal corporation situated in Logan County, Illinois; and,

WHEREAS, the City Council of the City of Lincoln has sought bids and proposals with respect to waste hauling within the City limits of the City of Lincoln; and,

WHEREAS, the City Council of the City of Lincoln held a public hearing with respect to the Waste Hauling proposals on July 31, 2017 in order to hear and consider public position on the issue; and,

WHEREAS, the City Council, after extensively considering the public input on the issue, has entered into an exclusive Waste Collection Agreement with AREA DISPOSAL, INC.; and,

WHEREAS, based upon the decisions of the City Council and the exclusive Waste Collection Agreement with AREA DISPOSAL, INC., the City Council believes that the City Code of the City of Lincoln should be revised to require waste collection services within the City of Lincoln; and,

WHEREAS, the City Council believes that requiring waste collection services throughout the City of Lincoln will improve compliance with the nuisance ordinances of the City and increase the aesthetic appearance of the City by creating a clean and welcoming environment throughout the City; and,

WHEREAS, the City Council believes it is in the best interest of the citizens of Lincoln, Logan County, Illinois, that the City Code of the City of Lincoln be amended to require waste collection within the City of Lincoln, Illinois.

NOW, THEREFORE, the City Council of the City of Lincoln, Logan County, Illinois, does hereby amend the City Code in the following regards:

1. That the recitals outlined above are hereby incorporated by reference, the same as if set forth verbatim herein.
2. That the City of Lincoln, Illinois hereby creates Chapter 21 of Title 3 as follows:

"CHAPTER 21 - WASTE HAULERS

3-21-1: License required.

It shall be unlawful for any person to engage in the business of being a waste hauler or to otherwise collect and/or transport any municipal waste within the City, or to advertise to provide any residential hauling service or any commercial hauling service, without having a valid waste hauler license as required by this article.

Further, the City may administer and enforce an exclusive Waste Collection Agreement for waste collection services for single-family dwellings within the City limits and no waste hauler shall be licensed in conflict with an exclusive Waste Collection Agreement.

3-21-2: Term.

Each waste hauler license under this article shall be effective or renewed for a one-year period which commences on May 1 and expires on April 30 of the following year regardless of when issued.

3-21-3: License application.

(a) An application for waste hauler license shall be submitted through the City Clerk's Office. Such application form shall include the following information:

- (1) Name, address and telephone number of the applicant;
- (2) Name of the manager of the applicant, if any;
- (3) Proof of valid State of Illinois safety sticker as required by law for each collection vehicle.

(b) Any licensee having a valid waste hauler license shall notify the City Clerk's Office in writing within 14 days following a change in any information contained in such licensee's application, including any change in connection with the addition or deletion of any collection vehicle.

(c) A new application shall be required to be submitted to the City Clerk's Office no later than April 15 of each year prior to issuance of a renewed waste hauler license under this article.

3-21-4: Collection vehicle operating requirements.

(a) Each collection vehicle operating within the City shall be operated and maintained in accordance with all applicable federal, state and local laws.

(b) Each collection vehicle used for the collection or transportation of municipal waste or landscape waste within the City shall conform to the following requirements:

- (1) Shall have the business name and telephone number clearly visible on both sides of such collection vehicle; and,
- (2) Shall be kept in a neat, clean and sanitary condition, and shall be maintained so as not to become offensive to the sense of smell of a person of ordinary sensibilities; and,
- (3) Shall have and utilize a watertight bed or receptacle and be constructed and operated in such a manner that no portion of the contents conveyed therein shall be scattered or left in or upon any private or public property or any right-of-way.

3-21-5: Insurance requirements.

Any person required to have a waste hauler license under this article

shall maintain in force and effect general liability insurance, vehicle liability insurance, worker's compensation insurance and unemployment insurance, with insurance companies licensed to do business in the State of Illinois and in such amounts as may be required by law. Upon request of the City Clerk's Office, each such person shall produce evidence of such coverage.

#### 3-21-6: Evacuation of contents.

It shall be unlawful for any person to fail to remove or evacuate any municipal waste from any collection vehicle within the City within a period of 24 hours after the collection or deposit of any such municipal waste into any such collection vehicle.

#### 3-21-7: Disposal, transfer and storage.

(a) It shall be unlawful for any person to dispose of, transfer, or store municipal waste or landscape waste in any place within the City unless such location meets the applicable requirements of any federal, state or local law.

(b) Any person required to have a waste hauler license under this article shall transport and dispose of all municipal waste and landscape waste collected within the City to a facility licensed by the IEPA or to such other facility as may be authorized for such purposes by applicable law.

#### 3-21-8: Service requirements.

(a) Each waste hauler offering to provide commercial hauling service within the City shall be required to offer and provide:

(1) Basic service for the collection of municipal waste no less frequently than once every seven calendar days;

(b) Each waste hauler offering to provide commercial hauling service within the City shall provide customer service operations to receive requests for services or complaints.

(c) Each waste hauler offering to provide commercial hauling service within the City shall be permitted to offer and provide additional levels of collection services, including greater frequencies of collection and additional quantities of collection.

#### 3-21-9: License suspension.

The Mayor may suspend for not more than 30 days a waste hauler license for any one or more violations of this article within a 12-month period prior to any then current violation of this article.

3-21-10: License revocation.

(a) The Mayor may suspend or revoke a waste hauler license for any one or more of the following reasons:

(1) Two or more violations of this article within a 24-month period prior to the then-current violation of this article;

(2) Two or more suspensions of such waste hauler license for any length of time for any violations of this article that occurred within a 24-month period prior to the then-current violation of this article; or

(3) Any fraud, misrepresentation or false statement contained in any application for such waste hauler license or for any commercial vehicle inspection permit required by this article.

(b) Any waste hauler whose license has been revoked may reapply for a waste hauler license not less than six months following the effective date of any such revocation of any such waste hauler license.

3-21-11: Exemptions.

The following shall be exempt from the provisions of this article:

(a) Any person who collects municipal waste or landscape waste from property owned, managed, leased or occupied by such person and who transports such materials directly to a facility licensed by the IEPA or to such other facility as may be authorized for such purposes by applicable law.

(b) Landscape companies and demolition contractors, but not including construction dumpster services.

(c) Any person that collects used household appliances as a part of a transaction involving the sale of any household appliances.

3-21-12: General penalty.

Any person who violates any provision of this article shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offence. A separate offense shall be deemed committed on each day during or on which any violation of this Article continues."

3. That Title 7, Chapter 2, Section 1(L) is hereby deleted and

the following inserted in place thereof:

"CHAPTER 2 - NUISANCES

7-2-1 ENUMERATION OF NUISANCES: It is hereby declared to be a public nuisance:

(L) To deposit, permit to remain upon, or accumulate on any premises or upon any public street or alley any waste, refuse, trash, garbage, and other deleterious substances. The following words shall have the definitions as herein set forth:

1. Refuse: Water, rubbish, garbage, trash, furniture, mattresses, box spring, inoperable household appliances, automobile parts, mechanical parts, cans, container, building materials (including, but not limited to, lumber, windows, doors, cement blocks, bricks, broken concrete, piping, and wiring), building equipment (including, but not limited to, scaffolding, wood, and ladders), or any other material of any kind that has been discarded, rejected, cast aside, or thrown away as worthless.

2. Firewood: Firewood shall constitute a nuisance if it is not located at least eight inches (8") aboveground and stacked on impervious material that will not deteriorate due to the elements of nature; and provided, further, that any piles of firewood must be ventilated to stop the habitation and infestation of rodents, termites and other animals or pests.

3. Indoor Furniture: Furniture located outside that is not designated or modified to withstand the elements and outdoor use."

4. That Title 7, Chapter 4 of the Lincoln City Code is hereby

deleted.

5. That Title 7, Chapter 13, Section 1 & 9 of the Lincoln City Code are hereby deleted and the Chapter heading shall be revised to be "Landscape Waste Facility."

6. That the City of Lincoln, Illinois hereby creates Chapter 16 of Title 7 as follows:

#### "CHAPTER 16 - WASTE COLLECTION

7-16-1: Definitions.

For the purposes of this chapter, and the interpretation and enforcement thereof, the words, terms, phrases and their derivatives set forth in this section below shall have the meanings as follows:

*City Waste Collection Service* means the provision of any service contracted by the City to collect municipal waste and/or landscape waste from any Single-Family Dwelling containing not more than two dwelling units.

*Commercial hauling service* means the provision of any service to collect and transport municipal waste or landscape waste from any multifamily dwelling or any commercial or industrial premises.

*Construction or demolition debris* means any solid waste containing a variety of materials resulting from the construction, demolition, remodeling or renovation of residential, commercial or industrial structures. "Construction or demolition debris" also includes cement, concrete, asphalt or masonry debris resulting primarily from street, sidewalk, bridge, sewer and water construction, repair or replacement, which is defined as "clean fill" by the Illinois Environmental Protection Agency.

*Curbside* means that portion of the right-of-way adjacent to and within five feet of the roadway, including any alley.

*Building Safety Official* means the Building Safety Officer or his or her designee.

*Single-Family Dwelling* means a residential dwelling designed for and used for living and sleeping purposes, containing its own kitchen and bathroom facilities, and having its own independent entry/access from the exterior of such residential dwelling or from a common interior hallway. The definition for Single-Family Dwelling shall include not more than two dwelling units.

*Front yard* means the open space of any yard on any lot within the City extending the entire width of any such lot from the line of the right-of-way to the nearest point of any building or structure located on such lot.

*IEPA* means the Illinois Environmental Protection Agency.

*Landscape company* means any person that provides, for any property other than its own, maintenance or removal of lawns, shrubbery, trees or any ornamental plant, and transports only landscape waste produced directly as a result of such landscape care activities.

*Landscape waste* means any accumulation of grass, shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care and maintenance of lawns, shrubbery, vines and trees; provided, however, that landscape waste that has been chipped, shredded, composted or otherwise processed so as to be converted from raw landscape waste shall not be considered to be landscape waste for the purposes of this chapter.

*Multifamily dwelling* means any residential dwelling containing more than two dwelling units.

*Municipal waste* means any garbage, refuse, rubbish, debris, general household waste, or construction or demolition debris, but does not include any landscape waste or any material or waste classified as hazardous, toxic, flammable or otherwise dangerous to the environment under any federal, state or local law.

*Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

*Recyclable Material* means any Newsprint and aluminum, glass, plastic and ferrous metal containers, for which there is in effect a recycling program operated by the City or pursuant to a franchise granted by the City to an Exclusive Waste Hauler.

*Right-of-way* means the entire width between the boundary lines of any land dedicated for street, alley or sidewalk purposes or otherwise open to the use of the public for the purposes of passage or vehicular travel within the City.

*Roadway* means that portion of the right-of-way improved, designed or ordinarily used for vehicular travel.

*Waste hauler* means any person who charges a fee for collecting municipal waste or landscape waste.

7-16-2: Service required.

(a) Any person who as owner, agent, lessee, occupant or other person in control of any Single-Family Dwelling shall be required to have City Waste Collection Service.

(b) Any person who as owner, agent, lessee, occupant or other person in control of any multifamily dwelling, multifamily apartment complex,



licensed mobile home park or of any commercial or industrial premises within the City shall have any accumulation of municipal waste on any such property collected and disposed of at least once every seven calendar days by a waste hauler who has a valid waste hauler license.

(c) The occupancy of any dwelling unit, multifamily dwelling or the operation of any commercial or industrial activity by any person within the City shall be prima facie evidence that municipal waste is being produced and accumulated within any such dwelling unit, multifamily dwelling or on any such commercial or industrial premises.

(d) For any commercial hauling service, the Building Safety Official may, upon hearing, grant an exemption from the requirements of this section if the level of municipal waste generated or the alternative arrangements for disposal of municipal waste does not reasonably warrant any such collection and disposal. Any person requesting such exemption shall have the burden of establishing the grounds for any such exemption to the satisfaction of the Building Safety Official.

#### 7-16-3: Container requirements.

(a) No person who as owner, agent, lessee, occupant or other person in control of any dwelling unit or of any commercial or industrial premises shall accumulate or permit the accumulation of municipal waste on any such property except:

(1) For City Waste Collection Service: such container as may be supplied from time to time by the provider of such City Waste Collection Service;

(2) For commercial hauling service: a watertight container or containers which meet or exceed the requirements of being constructed of a rigid material with handles, a tight-fitting lid and sufficient capacity to contain the accumulation of municipal waste until the next date of collection; or a watertight dumpster or similar trash receptacle which meets or exceeds the requirements of being constructed of a rigid material with a lid and sufficient capacity to contain the accumulation of municipal waste until the next date of collection.

(b) Any unlawful accumulation of municipal waste in violation of the provisions of this section is declared to be a public nuisance and may be enforced in accordance with provisions of this Code applicable to public nuisances.

#### 7-16-4: When container should be placed for scheduled pick-up.

It shall be unlawful for any person to place waste in front of any premises, or the front line extended of said premises, even though in a proper container, sooner than forty eight (48) hours prior to or later than forty eight (48) hours after the scheduled pick-up time by a waste hauler.

7-16-5: Containers provided by City for public use.

In the event waste containers are provided by the City in public places for public use, it shall be unlawful to deposit in said containers any accumulations of waste or garbage from any premises.

7-16-6: Recyclable material property of City.

Ownership of recyclable material set out for collection or deposition at a City operated recycling drop off facility in accordance with the terms of this chapter shall be vested in the City. No person shall collect, remove or dispose of recyclable material set out for collection or deposited at a City operated recycling drop off facility, except:

(a) An "Exclusive Waste Hauler" pursuant to the terms of its franchise agreement with the City.

(b) The City.

7-16-7: General penalty.

Any person who violates any provision of this article shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offence. A separate offense shall be deemed committed on each day during or on which any violation of this Article continues.

7. That this Ordinance shall be in full force and effect from January 1, 2018.

The vote on the adoption of this Ordinance was as follows:

Alderman Parrott	<u>AYE</u>	Alderman Keller	<u>AYE</u>
Alderwoman Bauer	<u>AYE</u>	Alderman Welch	<u>AYE</u>
Alderman Hoinacki	<u>AYE</u>	Alderwoman Brown	<u>AYE</u>

Alderwoman Horn                      AYE                      Alderman Hoefel                      NAY

Ayes:    7    Alderman Parrott, Alderwoman Bauer, Alderman Hoinacki, Alderman Keller  
             ~~Alderman Welch, Alderwoman Brown, Alderwoman Horn~~


Nays:    1    Alderman Hoefel


Absent:    0

Abstentions:    0

Passed and approved this    20th    day of    November    , 2017.

CITY OF LINCOLN.

BY:                        
                                         Seth Goodman, Mayor  
                                         City of Lincoln, Logan  
                                         County, Illinois

ATTEST:                          (SEAL)  
                                         City Clerk, City of Lincoln,  
                                         Logan County, Illinois